

CHARLES M. MERKEL, JR.
JOHN H. COCKE*
CYNTHIA I. MITCHELL
EDWARD P. CONNELL, JR.*
CHARLES M. MERKEL, III
CORRIE J. SCHULER
CHRISTOPHER WINTER**
ROBERT A. CARSON, III

MERKEL & COCKE

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

30 DELTA AVENUE

CLARKSDALE, MISSISSIPPI 38614-1388

POST OFFICE BOX 1388
662-627-9641
FAX # 662-627-3592
www.merkel-cocke.com

* ALSO LICENSED IN TN
**ALSO LICENSED IN AR

Edward (Ted) P. Connell, Jr.
tconnell@merkel-cocke.com

May 11, 2020

FOIA REQUEST

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: *Melton Properties, LLC et al. v. Illinois Central Railroad Company, et al.*, In the United States District Court for the Northern District of Mississippi, Greenville Division, Civil Action No. 4:18-cv-00079-DMB-JMV

Illinois Central Railroad Company train derailment of March 30, 2015, near Minter City in Leflore County, Mississippi

Dear Sir or Madam:

Please advise as to the status of your response to my client's Freedom of Information Act request made on April 3, 2020, as it is my understanding that a response was due to the same within twenty days. As such, I wanted to ensure that I did not miss a response to the same.

I look forward to hearing from you shortly.

Sincerely,



Ted Connell
TC/scs

CHARLES M. MERKEL, JR.
JOHN H. COCKE*
CYNTHIA I. MITCHELL
EDWARD P. CONNELL, JR.*
CHARLES M. MERKEL, III
CORRIE J. SCHULER
CHRISTOPHER WINTER**
ROBERT A. CARSON, III

MERKEL & COCKE

A PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

30 DELTA AVENUE

CLARKSDALE, MISSISSIPPI 38614-1388

POST OFFICE BOX 1388
662-627-9641
FAX # 662-627-3592
www.merkel-cocke.com

* ALSO LICENSED IN TN
**ALSO LICENSED IN AR

Edward (Ted) P. Connell, Jr.
tconnell@merkel-cocke.com

April 3, 2020

FOIA REQUEST

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: *Melton Properties, LLC et al. v. Illinois Central Railroad Company, et al.*, In the United States District Court for the Northern District of Mississippi, Greenville Division, Civil Action No. 4:18-cv-00079-DMB-JMV

Illinois Central Railroad Company train derailment of March 30, 2015, near Minter City in Leflore County, Mississippi

Dear Sir or Madam:

This firm represents the plaintiffs in litigation related to the Illinois Central Railroad Company ("ICRR") train derailment which occurred near Minter City, Leflore County, Mississippi on or about March 30, 2015.

As such, request is hereby made for a certified copy of the U.S. Environmental Protection Agency's any content of the EPA's entire file related in any way to the ICRR derailment in Leflore County Mississippi that occurred on March 30, 2015, on the Melton property including, but not limited to: contracts, correspondence, emails, text messages, handwritten notes or memos, phone logs, electronically stored information, reports (daily, weekly, annual or otherwise), inspection reports (daily, weekly, annually, or otherwise), purchase orders, change orders, work orders, or job tickets, work plans, invoices, bills, bills of lading, charge tickets, monthly billings, invoices, payment receipts, deposit ticket slips and copies of cancelled checks reflecting remediation costs, daily work logs, log books, field notes, manifests, applications, regulatory permits, governmental correspondence of any sort, including but not limited to Mississippi Department of Environmental Quality, Environmental Protection Agency or any other governmental agency, licenses or permits to perform work on the site, soil, air, water, vegetation and chemical spill analytical reports or results, environmental reports or results of tests, photos videos, any list of subcontractors names and contact information, past, current and future environmental action recommendations, spill site management plans, conceptual site models, incident management systems (IMS) documentation and contact information for IMS personnel, initial site assessment report, spill and environmental response action plans, emergency response plans, spill response activities and strategies, remediation work schedules, threat mitigation activities, close out reports, pollution reports, POLREPS, government enforcement directives and orders, national and regional spill contingency plans, train shipping papers, train consist, bills of lading, manifests or other shipping documents serving a similar purpose applicable to the spilled chemical product, calculations of spilled and recovered

chemical, what type, if any fire suppression foams were used, identification of chain-of-command personnel for spill response and spill response contractors, spill response drills and exercises, notices provided to the Local Emergency Planning Committee and the State Emergency Response Commission, Emergency Response Information carried on the derailed train, emergency response and incident mitigation information for DCPD, documentation of any and all training relevant to the environmental emergency response which was provided to all employees/agent present at the site in question, telephone logs and records of all calls to the person who has knowledgeable of DCPD and had comprehensive emergency response and incident mitigation information for DCPD, CERCLA site and PRP analyses, year of construction of the damaged tanker car and its DOT type and CPC classification, Post Emergency Response Operations plan.

To the extent any requested document is withheld based upon a claim of privilege of any type, provide on a detailed privilege log the identity and description of the document, its present custodian, and location.

Thank you for your attention to this matter.

Sincerely,

Ted Connell
TC/scs